



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2139**

Introduced 1/6/2004, by Adeline Jay Geo-Karis

**SYNOPSIS AS INTRODUCED:**

115 ILCS 5/13  
30 ILCS 805/8.28 new

from Ch. 48, par. 1713

Amends the Illinois Educational Labor Relations Act. With regard to school districts, provides that an educational employee may not engage in a strike and an educational employer may not institute a lockout if that action would cause an interruption of ongoing essential educational services. Provides that the exclusive bargaining representative and employer shall, instead, submit unresolved issues concerning the terms of a new collective bargaining agreement to final and binding impartial arbitration. Also provides that it is unlawful for a person to instigate or induce or conspire with or encourage a person to engage in a strike, lockout, slowdown, or work stoppage if that action would cause an interruption of ongoing essential educational services. Provides that these provisions do not prohibit a strike or lockout that began before the start of the school year. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB093 14810 NHT 40370 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT regarding educational labor relations.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Educational Labor Relations Act is  
5 amended by changing Section 13 as follows:

6 (115 ILCS 5/13) (from Ch. 48, par. 1713)

7 Sec. 13. Strikes and lockouts.

8 (a) Notwithstanding the existence of any other provision in  
9 this Act or other law, educational employees employed in school  
10 districts organized under Article 34 of the School Code shall  
11 not engage in a strike at any time during the 18 month period  
12 that commences on the effective date of this amendatory Act of  
13 1995. An educational employee employed in a school district  
14 organized under Article 34 of the School Code who participates  
15 in a strike in violation of this Section is subject to  
16 discipline by the employer. In addition, no educational  
17 employer organized under Article 34 of the School Code may pay  
18 or cause to be paid to an educational employee who participates  
19 in a strike in violation of this subsection any wages or other  
20 compensation for any period during which an educational  
21 employee participates in the strike, except for wages or  
22 compensation earned before participation in the strike.  
23 Notwithstanding the existence of any other provision in this  
24 Act or other law, during the 18-month period that strikes are  
25 prohibited under this subsection nothing in this subsection  
26 shall be construed to require an educational employer to submit  
27 to a binding dispute resolution process.

28 (b) Notwithstanding the existence of any other provision in  
29 this Act or any other law, educational employees other than  
30 those employed in a school district organized under Article 34  
31 of the School Code and, after the expiration of the 18 month  
32 period that commences on the effective date of this amendatory

1 Act of 1995, educational employees in a school district  
2 organized under Article 34 of the School Code shall not engage  
3 in a strike except under the following conditions:

4 (1) they are represented by an exclusive bargaining  
5 representative;

6 (2) mediation has been used without success;

7 (3) at least 10 days have elapsed after a notice of  
8 intent to strike has been given by the exclusive bargaining  
9 representative to the educational employer, the regional  
10 superintendent and the Illinois Educational Labor  
11 Relations Board;

12 (4) the collective bargaining agreement between the  
13 educational employer and educational employees, if any,  
14 has expired; and

15 (5) the employer and the exclusive bargaining  
16 representative have not mutually submitted the unresolved  
17 issues to arbitration.

18 If, however, in the opinion of an employer the strike is or  
19 has become a clear and present danger to the health or safety  
20 of the public, the employer may initiate in the circuit court  
21 of the county in which such danger exists an action for relief  
22 which may include, but is not limited to, injunction. The court  
23 may grant appropriate relief upon the finding that such clear  
24 and present danger exists. An unfair practice or other evidence  
25 of lack of clean hands by the educational employer is a defense  
26 to such action. Except as provided for in this paragraph, the  
27 jurisdiction of the court under this Section is limited by the  
28 Labor Dispute Act.

29 (c) Notwithstanding the existence of any other provision in  
30 this Act or any other law, with regard to school districts, an  
31 educational employee may not engage in a strike and an  
32 educational employer may not institute a lockout if that action  
33 would cause an interruption of ongoing essential educational  
34 services. The exclusive representative and employer shall,  
35 instead, submit unresolved issues concerning the terms of a new  
36 collective bargaining agreement to final and binding impartial

1 arbitration in accordance with rules adopted by the Board. It  
2 is unlawful for a person to instigate or induce or conspire  
3 with or encourage a person to engage in a strike, lockout,  
4 slowdown, or work stoppage if that action would cause an  
5 interruption of ongoing essential educational services.  
6 Nothing in this subsection (c) prohibits a strike or lockout  
7 that began before the start of the school year.

8 (Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98.)

9 Section 90. The State Mandates Act is amended by adding  
10 Section 8.28 as follows:

11 (30 ILCS 805/8.28 new)

12 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8  
13 of this Act, no reimbursement by the State is required for the  
14 implementation of any mandate created by this amendatory Act of  
15 the 93rd General Assembly.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.